

Adopted	Rejected
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COMMITTEE REPORT

YES:	7
NO:	2

MR. SPEAKER:

*Your Committee on Appointments and Claims, to which was referred House Bill 1126, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill **be amended** as follows:*

- 1 Page 5, delete lines 2 through 42, begin a new paragraph and insert:
- 2 "SECTION 3. IC 5-10-8-8, AS AMENDED BY P.L.13-2001,
- 3 SECTION 8, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
- 4 JULY 1, 2003]: Sec. 8. (a) This section applies only to the state and
- 5 employees who are not covered by a plan established under section 6
- 6 of this chapter.
- 7 (b) ~~After June 30, 1986, Except as provided in subsection (k), the~~
- 8 state shall provide a group health insurance plan to each retired
- 9 employee:
- 10 (1) whose retirement date is:
- 11 (A) after June 29, 1986, for a retired employee who was a
- 12 member of the field examiners' retirement fund;
- 13 (B) after May 31, 1986, for a retired employee who was a
- 14 member of the Indiana state teachers' retirement fund; or

- 1 (C) after June 30, 1986, for a retired employee not covered by
2 clause (A) or (B);
- 3 (2) who will have reached fifty-five (55) years of age on or before
4 the employee's retirement date but who will not be eligible on that
5 date for Medicare coverage as prescribed by 42 U.S.C. 1395 et
6 seq.;
- 7 (3) who will have completed twenty (20) years of creditable
8 employment with a public employer on or before the employee's
9 retirement date, ten (10) years of which shall have been
10 completed immediately preceding the retirement; and
- 11 (4) who will have completed at least fifteen (15) years of
12 participation in the retirement plan of which the employee is a
13 member on or before the employee's retirement date.
- 14 (c) The state shall provide a group health insurance program to each
15 retired employee:
- 16 (1) who is a retired judge;
- 17 (2) whose retirement date is after June 30, 1990;
- 18 (3) who is at least sixty-two (62) years of age;
- 19 (4) who is not eligible for Medicare coverage as prescribed by 42
20 U.S.C. 1395 et seq.; and
- 21 (5) who has at least eight (8) years of service credit as a
22 participant in the Indiana judges' retirement fund, with at least
23 eight (8) years of that service credit completed immediately
24 preceding the judge's retirement.
- 25 (d) The state shall provide a group health insurance program to each
26 retired employee:
- 27 (1) who is a retired participant under the prosecuting attorneys
28 retirement fund;
- 29 (2) whose retirement date is after January 1, 1990;
- 30 (3) who is at least sixty-two (62) years of age;
- 31 (4) who is not eligible for Medicare coverage as prescribed by 42
32 U.S.C. 1395 et seq.; and
- 33 (5) who has at least ten (10) years of service credit as a participant
34 in the prosecuting attorneys retirement fund, with at least ten (10)
35 years of that service credit completed immediately preceding the
36 participant's retirement.
- 37 (e) The state shall make available a group health insurance program
38 to each former member of the general assembly or surviving spouse of

each former member, if the former member:

- (1) is no longer a member of the general assembly;
- (2) is not eligible for Medicare coverage as prescribed by 42 U.S.C. 1395 et seq. or, in the case of a surviving spouse, the surviving spouse is not eligible for Medicare coverage as prescribed by 42 U.S.C. 1395 et seq.; and
- (3) has at least ten (10) years of service credit as a member in the general assembly.

A former member or surviving spouse of a former member who obtains insurance under this section is responsible for paying both the employer and the employee share of the cost of the coverage.

(f) The group health insurance program required under subsections (b) through (e) **and subsection (k)** must be equal to that offered active employees. The retired employee may participate in the group health insurance program if the retired employee pays an amount equal to the employer's and the employee's premium for the group health insurance for an active employee and if the retired employee within ninety (90) days after the employee's retirement date files a written request for insurance coverage with the employer. However, the employer may elect to pay any part of the retired employee's premium with respect to insurance coverage under this chapter.

(g) Except as provided in subsection (j), a retired employee's eligibility to continue insurance under this section ends when the employee becomes eligible for Medicare coverage as prescribed by 42 U.S.C. 1395 et seq., or when the employer terminates the health insurance program. A retired employee who is eligible for insurance coverage under this section may elect to have the employee's spouse covered under the health insurance program at the time the employee retires. If a retired employee's spouse pays the amount the retired employee would have been required to pay for coverage selected by the spouse, the spouse's subsequent eligibility to continue insurance under this section is not affected by the death of the retired employee. The surviving spouse's eligibility ends on the earliest of the following:

- (1) When the spouse becomes eligible for Medicare coverage as prescribed by 42 U.S.C. 1395 et seq.
- (2) When the employer terminates the health insurance program.
- (3) Two (2) years after the date of the employee's death.
- (4) The date of the spouse's remarriage.

(h) This subsection does not apply to an employee who is entitled to group insurance coverage under IC 20-6.1-6-1(c). An employee who is on leave without pay is entitled to participate for ninety (90) days in any health insurance program maintained by the employer for active employees if the employee pays an amount equal to the total of the employer's and the employee's premiums for the insurance.

(i) An employer may provide group health insurance for retired employees or their spouses not covered by this section and may provide group health insurance that contains provisions more favorable to retired employees and their spouses than required by this section. A public employer may provide group health insurance to an employee who is on leave without pay for a longer period than required by subsection (h).

(j) An employer may elect to permit former employees and their spouses, including surviving spouses, to continue to participate in a group health insurance program under this chapter after the former employee (who is otherwise qualified under this chapter to participate in a group insurance program) or spouse has become eligible for Medicare coverage as prescribed by ~~42 U.S.C.A.~~ **U.S.C. 1395** et seq. An employer who makes an election under this section may require a person who continues coverage under this subsection to participate in a retiree health benefit plan developed under section 8.3 of this chapter.

(k) The state shall provide a group health insurance program to each retired employee:

(1) who was employed as a teacher in a state institution under:

(A) IC 11-10-5;

(B) IC 12-24-3;

(C) IC 16-33-3;

(D) IC 16-33-4;

(E) IC 20-15; or

(F) IC 20-16;

(2) who is at least fifty-five (55) years of age on or before the employee's retirement date;

(3) who is not eligible for Medicare coverage as prescribed by 42 U.S.C. 1395 et seq.; and

(4) who has at least:

(A) twenty (20) years of service credit as a participant in the retirement fund of which the employee is a member on

1 **or before the employee's retirement date; or**
 2 **(B) ten (10) years of service credit completed immediately**
 3 **preceding the participant's retirement.".**

4 Delete pages 6 through 7.

5 Page 8, delete lines 1 through 5.

(Reference is to HB 1126 as introduced.)

and when so amended that said bill do pass.

Representative Harris